

**IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE**  
**IN AND FOR SUSSEX COUNTY**

USA FINANCIAL SERVICES LLC)	)	
	)	
Plaintiff,	)	C.A. No. 07-11-102
	)	
vs.	)	
	)	
YOUNG'S FUNERAL	)	
HOME, INC. and	)	
CLARENCE E. YOUNG, JR.,	)	
	)	
Defendants.	)	

Submitted August 13, 2009  
Decided August 19, 2009

Patrick Scanlon, Esquire, Attorney for Plaintiff  
Tasha Marie Stevens, Esquire, Attorney for Defendant

**DECISION ON APPEAL FROM COMMISSIONER'S  
RECOMMENDATION**

Defendants appeal the Commissioner's recommendation that Plaintiff's Motion for Summary Judgment be granted against Defendants in the total amount of \$34,150.94, under the terms of a Motor Vehicle Lease Agreement.

The entry of a default judgment is a case-dispositive determination. When reviewing case-dispositive matters the judge of the Court reviews the decision *de novo*. A judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Commissioner. CCP Civ. R. 112 (A) (4) (iv).

The Court has reviewed *de novo* the record in this matter, including the pleadings, motion and response, and the transcript of the hearing on the motion for summary judgment. I find there remains a material issue of fact as to the amount of damages the Plaintiff is entitled to collect under the terms of the Motor Vehicle Lease Agreement between the parties. Accordingly, the recommendation of the Commissioner is **REJECTED**, and Plaintiff's Motion for Summary Judgment is **DENIED**.

**IT IS SO ORDERED**, this \_\_\_\_ day of August, 2009.

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Kenneth S. Clark, Jr.  
Judge